

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE – NASHVILLE DIVISION**

IN RE:	
CRGR, LLC	CASE NO. 20-02989-RM3-7
DEBTOR.	CHAPTER 7 JUDGE Randal S. Mashburn

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: APRIL 11, 2022  
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE HELD ON: APRIL 19, 2022,  
AT 9:30 A.M., COURTROOM 1, 701 BROADWAY, NASHVILLE, TN 37203**

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**NOTICE OF MOTION OF TRUSTEE TO SELL PROPERTY BY ONLINE AUCTION**

John C. McLemore, Trustee, has asked the Court for the following relief: permission for authority to sell property for the bankruptcy estate.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <<https://ecf.tnmb.uscourts.gov>>.

If you need assistance with Electronic Filing, you may call the Clerk's Intake Department at (615) 736-5584.

2. Your response must state that the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

This 21<sup>st</sup> day of March, 2022.

Respectfully submitted,

/s/ John C. McLemore, Trustee

John C. McLemore, Trustee  
Tn. Bar No. 3430  
2000 Richard Jones Rd., Ste. 250  
Nashville, TN 37215  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclemore@gmylegal.com](mailto:jmclemore@gmylegal.com)

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**MOTION OF THE TRUSTEE TO SELL PROPERTY BY ONLINE AUCTION**

The Trustee, John C. McLemore, moves the Court for the entry of an order authorizing him to proceed with the sale at Bankruptcy Auction of the following property of the estate at the time and location indicated:

**Property Description:** House and lot at 44 North Oak Street, Sparta, White County, TN (Map 59F, Parcel 022.00)

By Agreed Order of this Court dated January 7, 2022, the Trustee was authorized to sell this property (John C. McLemore, Trustee, v. Jon Neil Butler and Karen Butler Preston, Adv. Proc. No. 3:21-ap-90145). The Trustee filed suit seeking authority to sell this property because it is owned by the Debtor, Jon Neil Butler and Karen Butler Preston. The net proceeds of the sale of the real estate will be divided equally between the bankruptcy estate, Jon Neil Butler and Karen Butler Preston after payment of the costs of sale including but not limited to cost of redemption of the subject property from a tax sale, surveyor's fee, title search, auctioneer's commission, title insurance, and closing costs.

**THIS PROPERTY WILL BE SOLD ONLINE**

**Date:** Bidding will open April 5, 2022. Bidding will close beginning at 10:00 a.m. CDST, Tuesday, April 26, 2021. If during the final five minutes of the sale, the high bid is upset, the closing time will be extended by five minutes to allow the upset bidder or any other bidder to counter. This process will continue until bidding stops.

**Location:** Because this sale will not be at public outcry but instead on the Internet, the sale site will be every bidder's personal computer. The auction company conducting the sale will be Tays Realty & Auction, 620 Maxwell Street, Cookeville, TN 38501.

**Auction Sale Site:** [www.taysauctions.com](http://www.taysauctions.com)

**Viewing the Property:** Photographs of the property and directions to the property will be available at [www.taysauctions.com](http://www.taysauctions.com). Anyone wanting to view the property with an auctioneer may make an appointment by calling (931) 526-2307.

**Terms of Real Estate Sale:** A 10% buyer's premium will be charged on the sale. The successful bidder must post earnest money in an amount equal to 20% of the purchase price with the auctioneer in certified funds and execute a sale contract within 24 hours of the close of bidding. Closing will be held within 30 days of contract date.

If the highest bidder for some reason does not close, the Trustee reserves the right to offer the property to the runner-up bidder at the runner-up bidder's highest bid.

Unless an objection and application for hearing is filed with the United States Bankruptcy Clerk, First Floor Customs House, 701 Broadway, Nashville, Tennessee 37203; and a copy served on the United States

Trustee's Office, 318 Customs House, 701 Broadway, Nashville, Tennessee 37203; and upon the Trustee in accordance with the Notice of Motion of the Trustee to Sell Property, the Trustee will proceed with the sale of the herein described property.

THE PROPERTY IS TO BE SOLD AS IS, WHERE IS, AND FREE AND CLEAR OF ANY LIENS. ANY VALID AND PROPER LIEN WILL ATTACH TO THE PROCEEDS OF THE SALE. TRUSTEE WILL CONVEY BY VALID BANKRUPTCY TRUSTEE'S DEED, OR APPROPRIATE INSTRUMENT, THE RIGHT, TITLE AND INTEREST THAT TRUSTEE HAS THE RIGHT TO CONVEY. ALL REAL ESTATE TAXES DUE WILL BE PAID FROM THE PROCEEDS OF THE SALE AT CLOSING. CURRENT YEARS TAXES WILL BE PRORATED TO DATE OF DEED. TRUSTEE WILL PAY EXEMPTIONS AND LIENHOLDERS AS FOLLOWS:

1<sup>st</sup> Lienholder: None

2021 County Taxes \$382.00, plus penalty and interest  
2021 City Taxes \$171, plus penalty and interest

2020 County Taxes \$428.00, plus penalty and interest  
2021 City Taxes \$191.52, plus penalty and interest

Debtor(s) Statutory Exemption: None

The law office of Jack Franklin has conducted a title search. The search shows no liens filed by Tennessee Department of Revenue or the Internal Revenue Service.

This sale does not include Personal Identifiable Information (PII).

It is anticipated that there is sufficient equity in the property to pay all 506(c) expenses and that this sale will result in a distribution being made to unsecured creditors.

This sale is an "arm's length" transaction. The Trustee, his employees and Bankruptcy court officials are prohibited from bidding.

#### AUCTIONEER'S COMMISSION

Simultaneous with the publication of this notice, the Trustee has made application to the Court for the appointment of Tays Realty & Auction, LLC, as auctioneer for this sale. The auctioneer will be paid in accordance with Local Rule 6005-1 which provides as follows:

- (1) Ten percent (10%) of gross proceeds for real property and vehicles—including cars, trucks, trailers, all-terrain vehicles, boats, aircraft, farm machinery and implements, and earth moving equipment; or
- (2) Twenty-five percent (25%) of the first \$40,000 of gross proceeds for other personal property and fifteen percent (15%) thereafter.

No expenses will be reimbursed. Upon receipt of the auctioneer's report of sale, Tays Realty & Auction's commission will be paid.

If the sale includes personal property, pursuant to Local Rule 6005-1(e), the auctioneer may charge a buyers' premium to offset credit card processing fees.

**Credit Card Notice:** If the sale includes personal property, Tays Realty & Auction will accept payment by credit card in this auction. In addition to the commission provided for in Local Bankruptcy Rule 6005-1(b)(2), Tays Realty & Auction will provide in its Report of Sale a total of the credit card fees charged Tays by the credit card companies. Tays will seek reimbursement for the credit card fees by charging an additional buyer's premium of 3% of the gross sale amount including buyer's premium. Reimbursement of this expense is provided for at Local Bankruptcy Rule 6005-1 (e).

**WHEREFORE**, the Trustee prays that the Court enter an Order authorizing him to proceed with the sale of this property pursuant to the provisions of 11 U.S.C. § 363 free and clear of all liens with the liens that may exist attaching to the proceeds of the sale.

The Trustee further prays that the 14 day stay of the sale of this property following the entry of this order as provided for in FRBP 6004(h) be waived.

Dated this 21<sup>st</sup> day of March, 2022.

Respectfully submitted,

/s/ John C. McLemore, Trustee  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
2000 Richard Jones Rd., Ste. 250  
Nashville, TN 37215  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclemore@gmylaw.com](mailto:jmclemore@gmylaw.com)

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**ORDER TO SELL PROPERTY BY ONLINE AUCTION**

Upon consideration of the motion of John C. McLemore, Trustee, for authority sell the following property by online auction:

**House and lot Description**

House and lot at 3058 Hutchings College Road, Sparta, White County, TN  
(Map 028, Parcel 021.06)

The Motion and Proposed Order were served on the Debtor(s), Debtor's counsel, all creditors and all parties requesting notice. Each was given twenty-one (21) days to object. No objections have been filed with the Court;

And it appearing to the Court that the sale of property will be beneficial to the bankruptcy estate;

It is hereby

**ORDERED** that John C. McLemore, Trustee, is authorized to sell this property by online action pursuant to the provisions of 11 U.S.C. § 363 free and clear of all liens with the liens that may exist attaching to the proceeds of the sale.

It is further **ORDERED** that the 14 day stay of the sale of this property following the entry of this order set out in FRBP 6004(h) is hereby **WAIVED**.

It is further **ORDERED** the Trustee will file a report of sale as required by FRBP 6004(f).

This Order was signed and entered electronically as indicated at the top of the first page.

**APPROVED FOR ENTRY:**

/s/ John C. McLemore, Trustee  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
2000 Richard Jones Rd., Ste. 250  
Nashville, TN 37215  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclemore@gmylaw.com](mailto:jmclemore@gmylaw.com)

**Proposed**

**IN THE UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date noted below, a true and correct copy of the foregoing listed below was mailed either electronically or by U.S. mail, postage prepaid to the U.S. Trustee, 701 Broadway, Customs House Suite 318, Nashville, Tennessee 37203; Debtor, CRGR c/o Thomas Scott Lumley, 103 Cloverdale Court, Hendersonville, TN 37075-2906; Debtor's attorney, Steven L. Lefkovitz, Lefkovitz & Lefkovitz, 618 Church St., Ste. 410, Nashville, TN 37219-2452; Jon Neil Butler, 1765 South Market Blvd. Apt 23, Chehalis, WA 98532; Karen Butler Preston, 438 West Orchid Lane, Chandler, AZ 85225; all creditors, as shown on the mailing matrix which is attached to the original of this document and on file in the office of the Clerk of this Court; and to all parties requesting electronic notice via the court's electronic filing system.

This 21<sup>st</sup> day of March, 2022.

Respectfully submitted,

/s/ John C. McLemore, Trustee  
John C. McLemore, Trustee  
Tn. Bar No. 3430  
2000 Richard Jones Rd., Ste. 250  
Nashville, TN 37215  
(615) 383-9495 (phone)  
(615) 292-9848 (fax)  
[jmclemore@gmylaw.com](mailto:jmclemore@gmylaw.com)

**Attachments:**

- (1) Notice of Motion of Trustee to Sell Property by Online Auction
- (2) Motion of the Trustee to Sell Property by Online Auction
- (3) Proposed Order to Sell Property by Online Auction

CRGR, LLC  
c/o Thomas Scott Lumley  
103 Cloverdale Court  
Hendersonville, TN 37075-2906

Steven L. Lefkovitz  
Lefkovitz & Lefkovitz  
618 Church St., Ste. 410  
Nashville, TN 37219-2452

Citizens Bank  
c/o Phillips and Ingram  
117 East Main Street  
Gallatin, TN 37066-2891

Citizens Bank  
150 West Main Street  
Gallatin, TN 37066-3220

Scott Thomas Lumley  
P.O. Box 8127  
Hermitage, TN 37076-8127

Sumner County Trustee  
355 N. Belvedere Drive Room 107  
Gallatin, TN 37066-5410

William Mueller  
Marshall & Associates  
10574 Lebanon Rd.  
Mt. Juliet, TN 37122-5524